

9095. Adulteration of tomato purée. U. S. * * * v. 150 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12591. I. S. No. 9312-r. S. No. C-1899.)

On April 19, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases of tomato purée, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Lapel Canning Co., Cincinnati, Ohio, on October 3, 1919, and transported from the State of Ohio into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Lapel Brand Tomato Puree. Made From Small Tomatoes and Tomato Trimmings. Ready to Use for Soups and Sauces. Contents 1 lb., 3 ozs. Packed By Lapel Canning Company, Lapel, Indiana."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance for the reason that the labeling was false and misleading and deceived and misled the purchaser into the belief that the product consisted wholly of tomatoes, when it contained filthy, decomposed, and putrid vegetable matter, and for the further reason that the product was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9096. Adulteration of oysters. U. S. * * * v. William P. Kinslow (M. Kinslow & Son). Plea of guilty. Fine, \$25. (F. & D. No. 13937. I. S. No. 16628-r.)

On February 3, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against William P. Kinslow, trading as M. Kinslow & Son, Washington, D. C., alleging that on February 27, 1920, the said defendant did offer for sale and sell at the District aforesaid, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been wholly or in part abstracted.

On February 3, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

9097. Adulteration of oysters. U. S. * * * v. Bernard J. Corridon. Plea of guilty. Fine, \$25. (F. & D. No. 13938. I. S. Nos. 16625-r, 16630-r.)

On February 3, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Bernard J. Corridon, Washington, D. C., alleging that on February 6 and 26, 1920, the said defendant did offer